



General Assembly

Amendment

February Session, 2010

LCO No. 5533

SB0015205533HDO

Offered by:

REP. HAMM, 34th Dist.

REP. WALKER, 93rd Dist.

REP. GIBBONS, 150th Dist.

To: Subst. Senate Bill No. **152**

File No. 240

Cal. No. 395

***"AN ACT CONCERNING CHANGES TO THE GENERAL STATUTES
CONCERNING THE DEPARTMENT OF CHILDREN AND
FAMILIES."***

1 In line 87, strike "or neglect"

2 After the last section, add the following and renumber sections and
3 internal references accordingly:

4 "Sec. 501. Subsection (j) of section 46b-129 of the 2010 supplement to
5 the general statutes is repealed and the following is substituted in lieu
6 thereof (*Effective July 1, 2011*):

7 (j) Upon finding and adjudging that any child or youth is uncared-
8 for, neglected or dependent, the court may commit such child or youth
9 to the Commissioner of Children and Families. Such commitment shall
10 remain in effect until further order of the court, except that such
11 commitment may be revoked or parental rights terminated at any time
12 by the court, or the court may vest such child's or youth's legal

13 guardianship in any private or public agency that is permitted by law
14 to care for neglected, uncared-for or dependent children or youths or
15 with any other person or persons found to be suitable and worthy of
16 such responsibility by the court, including, but not limited to, any
17 relative of such child or youth by blood or marriage. If the court
18 determines that the commitment should be revoked and the child's or
19 youth's legal guardianship should vest in someone other than the
20 respondent parent, parents or former guardian, or if parental rights are
21 terminated at any time, there shall be a rebuttable presumption that an
22 award of legal guardianship upon revocation to, or adoption upon
23 termination of parental rights by, any relative who is licensed as a
24 foster parent for such child or youth, or who is, pursuant to an order of
25 the court, the temporary custodian of the child or youth at the time of
26 the revocation or termination, shall be in the best interests of the child
27 or youth and that such relative is a suitable and worthy person to
28 assume legal guardianship upon revocation or to adopt such child or
29 youth upon termination of parental rights. The presumption may be
30 rebutted by a preponderance of the evidence that an award of legal
31 guardianship to, or an adoption by, such relative would not be in the
32 child's or youth's best interests and such relative is not a suitable and
33 worthy person. The court shall order specific steps that the parent
34 must take to facilitate the return of the child or youth to the custody of
35 such parent. The commissioner shall be the guardian of such child or
36 youth for the duration of the commitment, provided the child or youth
37 has not reached the age of eighteen years or, in the case of a child or
38 youth in full-time attendance in a secondary school, a technical school,
39 a college or a state-accredited job training program, provided such
40 child or youth has not reached the age of twenty-one years, by consent
41 of such youth, or until another guardian has been legally appointed,
42 and in like manner, upon such vesting of the care of such child or
43 youth, such other public or private agency or individual shall be the
44 guardian of such child or youth until such child or youth has reached
45 the age of eighteen years or, in the case of a child or youth in full-time
46 attendance in a secondary school, a technical school, a college or a
47 state-accredited job training program, until such child or youth has

48 reached the age of twenty-one years or until another guardian has
49 been legally appointed. The commissioner may place any child or
50 youth so committed to the commissioner in a suitable foster home or in
51 the home of a person related by blood or marriage to such child or
52 youth or in a licensed child-caring institution or in the care and
53 custody of any accredited, licensed or approved child-caring agency,
54 within or without the state, provided: (1) A child who is under the age
55 of six years and a sibling group that contains a child who is under the
56 age of six years shall not be placed in a congregate care facility except
57 if the placement of the child and sibling group in the congregate care
58 facility is for not more than sixty days and if the commissioner
59 determines that (A) there is an emergency and the child is at imminent
60 risk of harm and removal from the home, (B) no suitable foster home is
61 available, (C) the child needs immediate stabilization and assessment;
62 and (2) a child shall not be placed outside the state except for good
63 cause and unless the parents or guardian of such child are notified in
64 advance of such placement and given an opportunity to be heard, or in
65 a receiving home maintained and operated by the Commissioner of
66 Children and Families. In placing such child or youth, the
67 commissioner shall, if possible, select a home, agency, institution or
68 person of like religious faith to that of a parent of such child or youth,
69 if such faith is known or may be ascertained by reasonable inquiry,
70 provided such home conforms to the standards of said commissioner
71 and the commissioner shall, when placing siblings, if possible, place
72 such children together. As an alternative to commitment, the court
73 may place the child or youth in the custody of the parent or guardian
74 with protective supervision by the Commissioner of Children and
75 Families subject to conditions established by the court. Upon the
76 issuance of an order committing the child or youth to the
77 Commissioner of Children and Families, or not later than sixty days
78 after the issuance of such order, the court shall determine whether the
79 Department of Children and Families made reasonable efforts to keep
80 the child or youth with his or her parents or guardian prior to the
81 issuance of such order and, if such efforts were not made, whether
82 such reasonable efforts were not possible, taking into consideration the

83 child's or youth's best interests, including the child's or youth's health
84 and safety."